

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Bret M. Berry	§	Docket No.: 31132.172 / PC792.00
	§	
Serial No.: 10/663,554	§	Group Art Unit: 3775
	§	
Filed: September 16, 2003	§	Examiner: Swiger III, James L.
	§	
For: Expansion Tool For Adjustable	§	Conf. No. 2585
Spinal Implant	§	

**Mail Stop: Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**  
**MAILED DECEMBER 8, 2008**

**I. Introductory Comments**

The present paper is submitted in response to the Office Action mailed December 8, 2008.

No fees, including extension of time fees, are believed necessary for consideration of the present paper. However, if any fees, including extension of time fees, are necessary, Applicant hereby petitions for the extension of time, and the Commissioner is hereby authorized to charge any fees, including those for the extension of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

The **Listing of the Claims** begins on page 2.

**Remarks** begin on page 7.